

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

TEXAS MEDICAL PROVIDERS	§
PERFORMING ABORTION	§
SERVICES, et al.,	§
Plaintiffs,	§
v.	§
	A-11-CA-486-SS
DAVID L. LAKEY, M.D., et al.,	§
Defendants.	§

ADVISORY TO THE COURT

COMES NOW Defendant David Escamilla through his attorney, the Travis County Attorney, and files this Advisory to the Court and would respectfully show the Court as follows:

On August 5, 2011, counsel for Senator Dan Patrick and Representative Sid Miller filed an Opposed Motion for Leave to Appear as *Amici Curiae*. [Dkt. 50]. *Amicus* Counsel originally filed their motion electronically as if filed by Defendants and stated in paragraph 3 that they “conferred with counsel for both Plaintiffs and Defendants.” [Dkt. 50]. Further, paragraph 4 of their motion stated that “Defendants have consented to the filing of this *Amicus* Brief.” [Dkt. 50]. However, neither Defendant Escamilla nor his attorneys were ever contacted for the purpose of conferencing on this issue, and therefore, never represented that Defendant Escamilla consented to the filing of the *Amicus* Brief. Defendant David Escamilla currently has a Motion to Dismiss pending and at this time is taking no position on the filing of an *amicus* brief at the district court level at this early stage of litigation.

Respectfully submitted,

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By: /s/ Elaine A. Casas

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of August, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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